

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PLUMBERS' LOCAL UNION NO. 690 HEALTH PLAN,  
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

ACTAVIS GROUP, et al.,

Defendants.

Civ. No. 16-0665

**[PROPOSED] ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 2017, it is hereby

ORDERED that the Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceuticals Inc. Defendants' Motion to Dismiss pursuant to Rule 12(b)(6) is GRANTED and Defendants Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceuticals Inc. are hereby dismissed from the above-captioned matter.

BY THE COURT:

\_\_\_\_\_  
THE HONORABLE ANITA B. BRODY  
United States District Judge

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**QUALITEST, BOCA PHARMACAL, LLC AND ENDO PHARMACEUTICALS INC.'S  
MOTION TO DISMISS**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and as more fully set forth in the accompanying Memorandum of Law, Defendants Qualitest<sup>1</sup>, Boca Pharmacal, LLC<sup>2</sup>, and Endo Pharmaceuticals Inc. move to dismiss Plaintiff's Amended Complaint filed March 29, 2016. ECF No. 53.

Dated: June 21, 2017

Respectfully submitted,

By: s/ William M. Connolly  
William M. Connolly (#75142)  
Chanda A. Miller  
DRINKER BIDDLE & REATH LLP  
One Logan Square, Ste. 2000  
Philadelphia, PA 19103  
(215) 988-2700

*Counsel for Defendants Qualitest, Boca  
Pharmacal, and Endo Pharmaceuticals Inc.*

<sup>1</sup> Qualitest Pharmaceuticals is the former d/b/a name of Generics International (US), Inc. which is now d/b/a Par Pharmaceutical.

<sup>2</sup> Boca Pharmacal, LLC was dissolved on July 14, 2015.

Stephen D. Brody (*pro hac vice  
forthcoming*)

O'MELVENY & MYERS LLP

1625 Eye Street, N.W.

Washington, DC 20006

*Of counsel for Defendants Qualitest, Boca  
Pharmacal, and Endo Pharmaceuticals Inc.*

**CERTIFICATE OF SERVICE**

I, William M. Connolly, counsel for Defendants Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceuticals Inc., hereby certify that I caused to be served on this 21st Day of June, 2017, a true and correct copy of Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceuticals Inc. Defendants' Motion to Dismiss and accompanying Memorandum of Law upon all counsel of record via ECF notification.

By: s/ William M. Connolly

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**QUALITEST, BOCA PHARMACAL, LLC, AND ENDO PHARMACEUTICALS INC.'S  
MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS**

On May 23, 2017, this Court ordered Plumbers to properly serve Defendants Qualitest, Boca Pharmacal, LLC, Strativa Pharmaceuticals, and Endo Pharmaceuticals Inc. ("Qualitest Defendants") by June 23, 2017, with proof of service filed within five days of service. ECF No. 286. As the Court explained in its accompanying memorandum, Plumbers did not properly serve the Qualitest Defendants. ECF No. 285. Despite this deficiency, the Court afforded Plumbers additional time to properly serve the Qualitest Defendants in the interests of judicial economy.

*Id.*

On June 1, 2017, Plumbers served a copy of the Amended Complaint and Summonses on Defendants Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceutical, Inc. and filed proof of such service on June 13, 2017 (ECF Nos. 292–294). Defendants Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceuticals Inc. now move to dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and hereby adopt and join in their entirety the arguments set forth in the Memorandum in Support of Defendants' Joint Motion to Dismiss and the Reply Memorandum in Support of Defendants' Joint Motion to Dismiss. ECF Nos. 241-1, 263.

**CONCLUSION**

For the reasons set forth in the Memorandum in Support of Defendants' Joint Motion to Dismiss and the Reply Memorandum in Support of Defendants' Joint Motion to Dismiss, Defendants Qualitest, Boca Pharmacal, LLC, and Endo Pharmaceuticals Inc. respectfully request that this Court dismiss the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: June 21, 2017

Respectfully submitted,

s/ William M. Connolly  
William M. Connolly (#75142)  
DRINKER BIDDLE & REATH LLP  
One Logan Square, Ste. 2000  
Philadelphia, PA 19103  
(215) 988-2700 Telephone  
(215) 988-2757 Facsimile

*Counsel for Defendants Qualitest,  
Boca Pharmacal, and Endo  
Pharmaceuticals Inc.*

Stephen D. Brody (*pro hac vice  
forthcoming*)  
O'MELVENY & MYERS LLP  
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Washington, DC 20006

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